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U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

2023 FEB 27 P 1:21

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

December 28, 2022

UNITED STATES OF AMERICA
PLAINTIFF

v.

JOSE TORRES
DEFENDANT

Honorable Brian R. Martinotti

Case #: 20-CR-418 (BRM)

**Motion to: 1) Sequester All
Witnesses Prior to the Opening
Statement:**


**and 3) Order Witnesses
Not to Communicate with Anyone,
Even Amongst Themselves.**

Q./ 2/26/23

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1) Torres moves the court to have all prosecution witnesses sequestered prior to the parties' opening statement and during the course of the entire trial to prevent witnesses from hearing the testimony of other prosecution witnesses.

Sequestration is absolutely necessary and a must in order to prevent smoothing or shaping of testimony, discourage and expose fabrication, inaccuracy, and collusion. Put differently, sequestration will help smoke-out lying government and non-government witnesses. It has been a long standing rule that when the individual in question is a key fact witness, adherence to the sequestration rule is most important. Under this rule, the sequestration of witnesses is mandatory if requested.



3) Torres also moves the court to order witnesses not to communicate with anyone even amongst themselves, including attorney witnesses, about the case. Torres requests this court to order that using third parties to communicate about the case is also prohibited.

Pursuant to USCS Fed Rules Evid R 615, at a party's request, the court must order witnesses excluded so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding:

- (a) A party who is a natural person;
- (b) An officer or employee or a party that is not a natural person, after being designated as the party's representative by its attorney;
- (c) A person whose presence a party shows to be essential to presenting the party's claim or defense; or
- (d) A person authorized by statute to be present.

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RELIEF REQUESTED

For all of the reasons noted above, and for good cause, Torres prays to the Court to:

- 1) Order prosecution witnesses to be sequestered prior to the opening statement and during the course of the entire trial; and



- 3) Order all witnesses not to communicate with anyone about the case, even amongst themselves, and the use of third parties to communicate with witnesses about the case is also prohibited.

Respectfully Submitted,

Jose Torres *[Signature]*

Jose Torres
Pro se Defendant

Q. / 2/24/23